IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 623 OF 1982

The Union of India represented by
Joint Chief Controller of Imports)
& Exports Bombay. .. Plaintiffs.

vs.

M/s. Particles Boards India
Ltd, & Ors. .. Defendants.

Mr. S.R. Rajguru for the plaintiffs.
Mr. D.V. Singh i/by Thakordas & Madgaonkar
for defendants nos. 1 and 3.

CORAM : S.U.KAMDAR, J.

DATE : 2nd August,2005.

P.C.

. In a summons for judgment No. 702 of 1993 by an order dated 1.10.1996 this Court directed the defendant to deposit a sum of Rs. 8 lacs within four weeks from that date and leave to file was granted subject to the said deposit. The learned counsel for defendant nos. 1 and 3 states that the said time to deposit was extended from time to time upto 1998 and thereafter there is no extension. However, he on 4.7.2005 tendered written statement

by making a statement in the written statement that the amount is deposited within the time and, therefore, suit must be heard.

2. Today, the learned counsel appearing for defendant nos. 1 and 3 makes a statement that no such deposit is made. In view of the non-deposit, decree must follow.

3. The learned counsel also states that the 2nd defendant has already expired. Accordingly, the 2nd defendant is deleted. In the aforesaid circumstances, I pass the following decree.

> Defendant nos. 1 and 3 are directed to pay to the plaintiff Rs. 17.26 lacs together with interest at the rate of 8% per annum from the date of decree till payment and/or realisation.

4. Suit is disposed of accordingly. However, there shall be no order as to costs.